

SUBJECT: Determination regarding a Negative Declaration for Frank's One Stop project in San Joaquin County

BOARD ACTION: Authorization of the Executive Officer to approve Negative Declaration

BACKGROUND: California Public Resources Code section 21084(c) prohibits a California Environmental Quality Act (CEQA) "categorical exemption" being used in the issuance of a Cleanup and Abatement Order (CAO) pursuant to California Water Code section 13304 for a site that is contained on the Cortese list. All unauthorized releases from underground storage tanks containing petroleum hydrocarbons are required to file and formal unauthorized release form (URF). The filing of the aforementioned URF constitutes an action requiring the placement of the unauthorized release case on the Cortese list.

In a separate action to be heard by the Board at their 23/24 October 2008 Board meeting, staff is recommending *Cleanup and Abatement Order (CAO) and Monitoring and Reporting Program (MRP) No. R5-2008-XXXX for Frank and Shari Guinta and James and Marilyn Ramsey for 2072 West Yosemite Avenue, San Joaquin County*. In order to be in compliance with the applicable sections of the California Public Resources Code and CEQA an Initial Study and a Negative Declaration were prepared and submitted to the State's Clearinghouse as required. No adverse comments were received during the mandated open comment period that formally ended on 1 July 2008.

There is no substantial evidence that the proposed amendment will have a significant effect on the environment.

ISSUES: The Negative Declaration must be approved before the aforementioned CAO and MRP can be issued.

RECOMMENDATION: Adopt the proposed Resolution.

Mgmt. Review _____

Legal Review _____

23/24 October 2008
Central Valley Water Board
11020 Sun Center Drive, No. 200
Rancho Cordova, CA